



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP/jlp
Docket No. 5924-01
10 June 2002

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: [REDACTED]
Review of naval record

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) MGIB Election Form
(3) NPC Memo 1780 Pers-604 dated 25 September 2001
(4) Subject's microfiche record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, the applicable naval record be corrected to show entitlement to the \$30,000 Navy College Fund Program (NCF) in conjunction with the Montgomery GI Bill (MGIB) Program.

2. The Board, consisting of Mr. McPartlin, Ms. Nofsiger, and Ms. Suiter reviewed Petitioner's allegations of error and injustice on 23 April 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Prior to filing enclosure (1) with this Board, Petitioner exhausted all administrative remedies afforded under existing law and regulations within the Department of the Navy.

b. Petitioner states that at the time of his enlistment in 1994 he was offered the NCF and that he was directed, at the Recruit Training Command, to write in "NCF" in block (4) on his MGIB Election Form.

The heading in block (4) of the MGIB Election Form states "SERVICE UNIQUE EDUCATIONAL ASSISTANCE OPTIONS" and the form was signed by Petitioner and a witnessing official on 2 March 1994. The MGIB Election Form is attached at enclosure (2). Petitioner is now planning to attend medical school and has been informed that the MGIB Election Form is not the official document that guarantees the NCF Program and therefore he is not entitled to the additional educational benefits.

c. In correspondence attached as enclosure (3), the office having cognisance over the subject matter involved in Petitioner's application recommended denial, commenting that the enlistment contract is the only official document used to identify enlistment guarantees. PERS-604 further states that the MGIB Election Form is used to document a recruit's intention to enroll or disenroll in the MGIB Program, not to identify enlistment guarantees. Annotation of the NCF Program on the MGIB Election Form only insures that recruits who were guaranteed the NCF Program on their enlistment contract enroll in the MGIB Program (in order to be eligible for the NCF Program a recruit must enroll in the MGIB Program). Pers-604 also states that the NCF Program is funded solely by the Navy and should be only offered at the discretion of the classifier, not the field recruiter.

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (3), the Board finds the existence of an injustice warranting the requested relief. In this connection, the Board found it inconceivable a recruit would have the knowledge that the NCF Program had to be documented on the enlistment contract vice the MGIB Election Form to establish entitlement in order for it to be valid.

Further, the Board is of the opinion that all the reasons given by Pers-604 recommending denial of Petitioner's request cannot overcome the fact that it is obvious that Petitioner was lead to believe, either intentionally or unintentionally, by an enlisting official, that he was entitled to the NCF Program.

Accordingly, the Board recommends the following corrective action.

RECOMMENDATION:

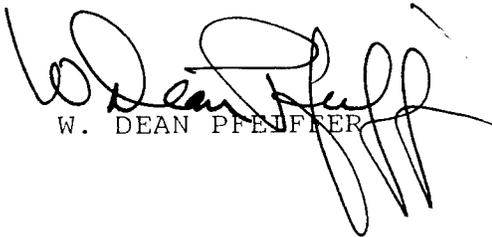
That Petitioner's naval record be corrected, where appropriate, to show that Option (2) on Annex "A" of his enlistment contract dated 9 February 1994 reflects the "Navy College Fund".

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Boards proceedings in the above-entitled matter.

ROBERT D. ZSALMAN
Recorder

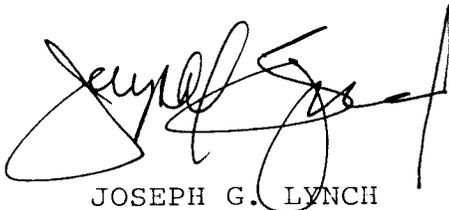

G. L. ADAMS
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.


W. DEAN PFEIFFER

Reviewed and approved:

SEP 6 2002



JOSEPH G. LYNCH
Assistant General Counsel
(Manpower and Reserve Affairs)